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09/836,854	04/17/2001	Douglas Wolfe	066560:0107	5103

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EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
3724	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/836,854

Applicant(s)

WOLFE, DOUGLAS

Examiner

Omar Flores-Sánchez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Shann et al. (2,808,884).

Shann et al. disclose (Fig. 1-5) the invention including an endless belt conveyor 10, an intake end and a discharge end (see Fig. 2); a motor (see col. 1, line 62), a trim press 2, guides (4 and 8).

3. Claims 1 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (3,912,258).

Martin discloses the invention including an endless belt conveyor (8 and 9), an intake end and a discharge end (see Fig. 1), a motor (114 and 116), guides (92 and 93). Also, Martin's conveyors can be mounted adjacent to a trim press.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (3,912,258) in view of J. H. W. Johannsen (2,817,376) and Duecker (5,087,313).

Martin discloses the invention substantially as claimed including a pair of guide wheels 39 and means for mounting (36-37) the guide wheels. Martin does not show guide plates and means for mounting guide wheels and guide plates for adjustment of the lateral position. However, Duecker teaches the use of guide plates (54-55) for the purpose of confining the web as it travels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's conveyor by providing guide plates as taught by Duecker in order to confine the sheet as it travels with the conveyor.

Regarding means/clamp for mounting guide wheels for adjustment of the lateral position, Johannsen teaches the use of means/clamp (*M* and *m*) for mounting guide wheels *S* for adjustment of the lateral position for the purpose of changing the contact pressure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's guide wheels by providing means/clamp for mounting guide wheels as taught by Johannsen in order to adjust the lateral position of the guide wheels to improve the contact pressure between the sheets and the conveyor.

The modified device of Martin discloses the invention substantially as claimed except for clamp and a locking mechanism. However, Johannsen teaches the use of clamp (*M* and *m*) for the purpose of adjusting the lateral position. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's guide plates by

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providing the clamp and the locking mechanism as taught by Johannsen in order obtain a better device for adjusting the lateral position of the guide plates.

6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Green et al.

Martin discloses the invention substantially as claimed except for a limit switch and a trip rod. However, Green teaches the use of a limit switch (122 and 123) and a trip rod 115 for the purpose of shutting down the machine. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's device by providing the limit switch and the trip rod as taught by Green in order to obtain a device to shut down the conveyor when the system is exhausted.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Green et al. as applied to claims 1 and 4 above, and further in view of Nieminen et al. (4,997,524).

The modified device of Martin discloses the invention substantially as claimed except for a blower. However, Nieminen teaches the use of a blower 25 for the purpose of releasing the strip from the cylinder 10 and guiding the web to be cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's device by providing the blower as taught by Nieminen in order to obtain a device to release the sheet from the conveyor and guide the sheet.

8. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Van Linder et al. (3,743,114).

Martin discloses the invention substantially as claimed except for curved guide rods. However, Linder teaches the use of curved guide rods (51 and 127) for the purpose of supporting bottom and upper edges of the article 22. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's device by providing the curved guide rods as taught by Linder in order to obtain a device to better support bottom and upper edges of the sheet. Also, the modified device of Martin teaches the use of means 97 for adjustably setting the lateral position.

9. Claims 11, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (3,912,258) in view of Duecker (5,087,313).

Martin discloses the invention substantially as claimed including an endless belt conveyor (8 and 9), an intake end and a discharge end (see Fig. 1), a motor (114 and 116). Also, Martin's conveyors can be mounted adjacent to a trim press. Martin does not show guide plates and means for guide plates for adjustment of the lateral position. However, Duecker teaches the use of guide plates (54-55) for the purpose of confining the web as it travels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's conveyor by providing guide plates as taught by Duecker in order to confine the sheet as it travels with the conveyor.

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10. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (3,912,258) in view of Duecker as applied to claim 11 above, and further in view of J. H. W. Johannsen (2,817,376).

Martin discloses the invention substantially as claimed a pair of guide wheels 39 and means/bar for mounting (36-37) the guide wheels. Martin does not show guide plates and means for mounting guide wheels for adjustment of the lateral position. However, Johannsen teaches the use of means/clamp (*M* and *Q*) for mounting guide wheels *S* for adjustment of the lateral position for the purpose of changing the contact pressure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's guide wheels by providing means/clamp for mounting guide wheels as taught by Johannsen in order to adjust the lateral position of the guide wheels to improve the contact pressure between the sheets and the conveyor.

The modified device of Martin discloses the invention substantially as claimed except for clamp and a locking mechanism. However, Johannsen teaches the use of clamp (*M* and *m*) for the purpose of adjusting the lateral position. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's guide plates by providing the clamp and the locking mechanism as taught by Johannsen in order obtain a better device for adjusting the lateral position of the guide plates.

Regarding the air cylinder, the Examiner takes Official Notice that the use of an air cylinder is old and well known in the art for the purpose of having better control of the amount of pressure applied to the workpiece. It would have been obvious to one having ordinary skill in

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the art at the time the invention was made to have modified Martin's guide wheels by the air cylinder in order to obtain a better control of the amount of pressure applied to the workpiece.

11. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Duecker as applied to claim 11 above, and further in view of Green et al.

The modified device of Martin discloses the invention substantially as claimed except for a limit switch and a trip rod. However, Green teaches the use of a limit switch (122 and 123) and a trip rod 115 for the purpose of shutting down the machine. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's device by providing the limit switch and the trip rod as taught by Green in order to obtain a device to shut down the conveyor when the system is exhausted.

12. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Duecker as applied to claims 11 and 16 above, and further in view of Nieminen et al. (4,997,524).

The modified device of Martin discloses the invention substantially as claimed except for a blower. However, Nieminen teaches the use of a blower 25 for the purpose of releasing the strip from the cylinder 10 and guiding the web to be cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's device by providing the blower as taught by Nieminen in order to obtain a device to release the sheet from the conveyor and guide the sheet.



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13. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Duecker as applied to claim 11 above, and further in view of Van Linder et al. (3,743,114).

The modified device of Martin discloses the invention substantially as claimed except for curved guide rods. However, Linder teaches the use of curved guide rods (51 and 127) for the purpose of supporting bottom and upper edges of the article 22. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's device by providing the curved guide rods as taught by Linder in order to obtain a device to better support bottom and upper edges of the sheet. Also, the modified device of Martin teaches the use of means 97 for adjustably setting the lateral position.

14. Claims 23, 26, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (3,912,258) in view of Green et al.

Martin discloses the invention substantially as claimed including an endless belt conveyor (8 and 9), an intake end and a discharge end (see Fig. 1), a motor (114 and 116). Also, Martin's conveyors can be mounted adjacent to a trim press. Martin does not show a limit switch and a trip rod. However, Green teaches the use of a limit switch (122 and 123) and a trip rod 115 for the purpose of shutting down the machine. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's device by providing the limit switch and the trip rod as taught by Green in order to obtain a device to shut down the conveyor when the system is exhausted.

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15. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (3,912,258) in view of Green et al. as applied to claim 23 above, and further in view of J. H. W. Johannsen (2,817,376) and Duecker (5,087,313).

The modified device of Martin discloses the invention substantially as claimed a pair of guide wheels 39 and means for mounting (36-37) the guide wheels. Martin does not show guide plates and means for mounting guide wheels and guide plates for adjustment of the lateral position. However, Duecker teaches the use of guide plates (54-55) for the purpose of confining the web as it travels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's conveyor by providing guide plates as taught by Duecker in order to confine the sheet as it travels with the conveyor.

Regarding means/clamp for mounting guide wheels for adjustment of the lateral position, Johannsen teaches the use of means/clamp (*M* and *Q*) for mounting guide wheels *S* for adjustment of the lateral position for the purpose of changing the contact pressure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's guide wheels by providing means/clamp for mounting guide wheels as taught by Johannsen in order to adjust the lateral position of the guide wheels to improve the contact pressure between the sheets and the conveyor.

The modified device of Martin discloses the invention substantially as claimed except for clamp and a locking mechanism. However, Johannsen teaches the use of clamp (*M* and *m*) for the purpose of adjusting the lateral position. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's guide plates by

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providing the clamp and the locking mechanism as taught by Johannsen in order to obtain a better device for adjusting the lateral position of the guide plates.

16. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Green et al. as applied to claim 23 above, and further in view of Nieminen et al. (4,997,524).

The modified device of Martin discloses the invention substantially as claimed except for a blower. However, Nieminen teaches the use of a blower 25 for the purpose of releasing the strip from the cylinder 10 and guiding the web to be cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's device by providing the blower as taught by Nieminen in order to obtain a device to release the sheet from the conveyor and guide the sheet.

17. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Green et al. as applied to claim 23 above, and further in view of Van Linder et al. (3,743,114).

The modified device of Martin discloses the invention substantially as claimed except for curved guide rods. However, Linder teaches the use of curved guide rods (51 and 127) for the purpose of supporting bottom and upper edges of the article 22. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Martin's device by providing the curved guide rods as taught by Linder in order to obtain a device to better support bottom and upper edges of the sheet. Also, the modified device of Martin teaches the use of means 97 for adjustably setting the lateral position.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson Dieter are cited to show related device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 703-308-0167. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 28, 2004

  
KENNETH E. PETERSON  
PRIMARY EXAMINER